



PATENT
Attorney Docket No. 204849

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit: 2682

MOORE et al.

Examiner: Marceau Milord

Application No. 09/556,565

Filed: April 24, 2000

For: PROVIDING REMOTE NETWORK
DRIVER INTERFACE
SPECIFICATION SERVICES OVER
A WIRELESS RADIO-FREQUENCY
MEDIUM

CERTIFICATE OF MAILING

I hereby certify that this TERMINAL DISCLAIMER (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 12/08/04

Mary A. Smith

**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c) TO OBVIATE A PROVISIONAL
DOUBLE PATENTING REJECTION OVER A CO-PENDING APPLICATION**

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Microsoft Corporation, is the owner of 100 percent interest in the above-identified application (hereinafter "the present application").

Pursuant to 37 C.F.R. § 3.73(b), the assignment of the present application from the inventors, or chain of title from the inventors, to the Petitioner was recorded in the Patent and Trademark Office at Reel 011167, Frame No. 0222, on October 6, 2000.

Also, pursuant to 37 C.F.R. § 3.73(b), the undersigned has reviewed all of the evidentiary documents accompanying or referred to in this Terminal Disclaimer and, to the best of the undersigned's knowledge and belief, certifies that title is in the Petitioner.

Petitioner, through its attorneys, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application that would extend beyond

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the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on U.S. Patent Application Number 09/302,735 (hereinafter “the co-pending application”), as shortened by any terminal disclaimer filed prior to the grant of any patent on the co-pending application. Petitioner, through its attorneys, further agrees that any patent granted on the present application shall be enforceable only for and during such period that its legal title is the same as the legal title to any patent granted on the co-pending application, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors, and assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term of any patents granted on the co-pending application, as defined in 35 U.S.C. §154 to §156 and §173 in the event any patents granted on the co-pending application terminate prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of any patents granted on the co-pending application. Examples of such non-applicable termination of any patents granted on the co-pending application are as follows: (1) any patents granted on the co-pending application expire for failure to pay a maintenance fee, (2) any patents granted on the co-pending application are held unenforceable, (3) any patents granted on the co-pending application are found invalid by a court of competent jurisdiction, (4) any patents granted on the co-pending application are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, (5) any patents granted on the co-pending application have all claims canceled by a reexamination certificate or reissuance, and (6) any patents granted on the co-pending application are, in any manner, terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer.

In making this disclaimer, Petitioner reserves the right to extend the term of any patent granted on the present application for a period of delay, in the event the delay is defined by statute

In re Appln. of Moore et al.
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or regulation as allowing, or providing for, an extension of term. This right is reserved in the event any patents granted on the co-pending application terminate, or do not terminate, prior to the expiration of their full statutory term. Examples of such a delay include regulatory delay and delay due to appellate review.

The undersigned is empowered to act on behalf of the Petitioner.

The Commissioner is hereby authorized to charge to Deposit Account 12-1216 the fee of \$130.00 set forth in 37 CFR 1.20(d). A duplicate copy of this document is enclosed herewith for that purpose.

Respectfully submitted,



Phillip M. Pippenger, Reg. No. 46,055
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Date: December 9, 2004

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Date: December 9, 2004